

Diversion of 0.20 ha Zudpi Jungle land for opencast mining under Section (ii) of the Forest (Conservation) Act, 1980 for Bhatadi Expansion Mine in Village Bhatadi of Chandrapur Forest Division, Chandrapur in Distt. Chandrapur of the State Maharashtra.

Specific recommendation of Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State with regards to acceptance or otherwise of the proposal supported by reasons.

The proposal is for diversion of 0.20 ha Zudpi Jungle land for opencast mining under Section (ii) of the Forest (Conservation) Act, 1980 for Bhatadi expansion mine project in Village Bhatadi of Chandrapur Forest Division in Distt. Chandrapur of the State Maharashtra. The land proposed for diversion is shown as under:-

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Sr. No.	Name of Village	Survey/Gut No.	Area (in ha.)	Legal Status
1	Bhatadi	251	0.20	Zudpi Jungle
Total Forest Area			0.20	

2.0 The proposal for opencast mining for Bhatadi expansion project has been initiated by Asstt. Manager (Community Development) Chandrapur Area, WCL for approval under the Forest (Conservation) Act, 1980. The Divisional Forest Officer, Chandrapur Forest Division, Chandrapur in his compliance report has certified that the proposed zudpi jungle is in possession of Revenue Department and therefore the said land has not been notified u/s of IFA, 1927. The project is approved vide Government of India, Ministry of Coal, New Delhi Notification No. S.O. 2525 published in the Gazette of India on 13/09/2011 under the Coal Bearing Areas (Acquisition and Development) Act, 1957. The project can be demarcated on Toposheet No.55P/8 & 56M/5 having Latitude of 20°02'25.63" to 20°04'7.78" and Longitude of 79°15'58.20" to 79°17'12.26". The project is having capacity of production 0.975 Million Tonnes (MT) of Coal per annum and supply coal to the MAHAGENCO Chandrapur Power Station of MSEB.

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3.0 The Divisional Forest Officer, Chandrapur Forest Division, Chandrapur has certified that:-

- 3.1 the area belongs to Eco-value class -III coming having density of forests 0.1
- 3.2 the forest land required is the barest minimum
- 3.3 no cutting and felling of trees is involved in implementation of the project.
- 3.4 there is no violation of Forest (Conservation) Act 1980.
- 3.5 the area involved does not form part of any existing National Park, Wildlife Sanctuary, and the Nature Reserve etc.
- 3.6 the proposed project is not within 10 km from the boundary of the Protected Area.

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- 3.7 the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance the demarcated on the spot by fixing boundary stone around the area. p/177
- 3.8 no compensatory afforestation is required as there is no felling of trees involved and the proposed forest area is below 1.00 ha.
- 3.9 that non forest area covered under the project is not private forest under the provision of Maharashtra Private Forest (Acquisition) Act, 1975 by virtue of application of section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forest as intimated to the Expert Committee appointed under interim judgment of Hon'ble Supreme Court, dated 12/12/1996. p/189
- 4.0 Site Inspection Report of the Divisional Forest Officer, Chandrapur Forest Division, Chandrapur is enclosed in the proposal on page no.173.

4.0 The user agency has given an undertaking:-

- 4.1 to defray the cost of Net Present Value. p/147
- 4.2 to defray the cost of compensatory afforestation. p/150
- 4.3 the user agency has submitted Mining Plan approved by CMPDIL Nagpur and Mine Reclamation plan.
- 4.4 the project has been accorded environmental clearance issued by the Government of India vide their letter No. J-11015 /151/2014-IA, II (M), dated 19/03/2015. p/173
- 4.5 the user agency has submitted a copy of the Maharashtra Pollution Control Board. p/157
- 4.6 the project is approved vide Ministry of Coal, Government of India, Notification no. S.O. 2525 dated.13/09/2011. p/24
- 4.7 the user agency has submitted the certificate of the Collector, Chandrapur under the Schedule Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 vide letter No.Karya-4/RB-II/2018/97, dt.27/06/2018 as per Government of India letter dt.5/7/2013 in prescribed format Form- II. p/161
- 4.8 the Divisional Forest Officer, Chandrapur and the Chief Conservator of Forest (T), Chandrapur Circle have recommended the proposal for diversion of 0.20 ha. of forest land under the Forest (Conservation) Act, 1980. p/171
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5.00 In view of this, the proposal is recommended for approval under the section 2 (ii) of the Forest (Conservation) Act, 1980 subject the following conditions:-

- 5.1 The legal status of the land required will remain unchanged.
- 5.2 Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
- 5.3 Construction of temporary dwelling / hutments etc. for labors will not be allowed in the forest areas.
- 5.4 Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.
- 5.5 The User Agency will dump the overburden on the revenue land or on adjacent private land owned by agency as per their undertaking and forest land will not be used for dumping.
- 5.6 The period of renewal of the mining lease of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act 1957, as amended or Rules framed there under;

- 5.7 The User Agency shall defray the cost of Net Present Value of 0.20 ha, of forest land proposed for renewal of mining lease.
- 5.8 The User Agency will defray the additional / revised cost of Net Present Value of Forest land as per the latest Guideline of Government of India.
- 5.9 A safety zone of 7.5 meter will be maintained around mining lease site. Fencing, protection and regeneration of the safety zone area (7.5 meter strip all along the outer boundary of the mining lease area) where feasible, shall be done at the project cost.
- 6.00 The User Agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the outer boundary of the mining lease area) and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPs coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
- 6.1 In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads be properly fenced by the user agency at the project cost to protect the vegetation/ regeneration activities in the safety zone.
- 6.2 Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under supervision of the Forest Department.
- 6.3 Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half time the area of forest land under safety zone shall also be at the project cost under the supervision of the State Forest Department
- 6.4 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 6.5 The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year and an annual report on implementation thereof shall be submitted to the State Forest Department.
- 6.6 The user agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule before grant of Stage-II approval.
- 6.7 All extraction works will be done as per mining plan approved by the Government of India.
- 6.8 The user Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government / Regional Office of MoEF along with indicators for monitoring and expected observable milestones..
- 6.9 Following activities shall be undertaken by the User Agency at the project cost:
- a) Preparation and implementation of a plan containing appropriate mitigative measures to minimize soil erosion and choking of streams.
 - b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion.
 - c) Construction of check dams, retention / toe walls along the contour to arrest sliding down of the excavated material.
 - d) Stabilize the overburden dumps by appropriate grading / benching so as to ensure that angles of repose at any given place is less than 28° and

- e) Strict adherence to the prescribed top soil management.
- 7.00 No damage to the flora and fauna of the adjoining area shall be caused
- 7.1 No permanent building or labour sheeds should be constructed in the leased area.
- 7.2 The layout plan of the proposal shall not be changed without the prior approval of Central Government.
- 7.3 The forest land shall not be used for any purpose other than that specified in the proposal.
- 7.4 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or present without prior approval of the Central Government.
- 75 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.



(U. K. Agrawal)

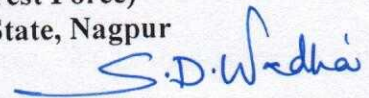
Principal Chief Conservator of Forests

(Head of Forest Force)

Maharashtra State, Nagpur



28/11/19



S.D. Wadhwa

PART -IV

(To be filled by Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force))

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- Diversion of 0.20 ha Zudpi Jungle land for opencast mining under Section (ii) of the Forest (Conservation) Act, 1980 for Bhatadi Expansion Mine in Village Bhatadi of Chandrapur Forest Division, Chandrapur in Distt. Chandrapur of the State Maharashtra. (FP/MH/MIN/17443/2016). The details of land proposed for diversion is as under-

Sr. No.	Name of Village	Survey/ Gut No.	Area (in ha.)	Legal Status
1	Bhatadi	251	0.20	Zudpi Jungle
Total Forest Area			0.20	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no.

(Sanjeev Gaur)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: /011/2019

Place: Nagpur

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE), MAHARASHTRA STATE, NAGPUR

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

Sub:- Diversion of 0.20 ha Zudpi Jungle land for opencast mining under Section (ii) of the Forest (Conservation) Act, 1980 for Bhatadi Expansion Mine in Village Bhatadi of Chandrapur Forest Division, Chandrapur in Distt. Chandrapur of the State Maharashtra. (FP/MH/MIN/17443/2016)

No. : Desk-17/NC/II/ID-12763/1378/18-19

Nagpur - 440 001, Dated :- 28/11/2019

To,

The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralya, Mumbai - 400032.

The Asstt. Manager (Community Development) Chandrapur Area, WCL has submitted the proposal for diversion of 0.20 ha Zudpi Jungle land for opencast mining under Section (ii) of the Forest (Conservation) Act, 1980 for Bhatadi Expansion Mine in Village Bhatadi of Chandrapur Forest Division, Chandrapur in Distt. Chandrapur of the State Maharashtra. The area statement is as shown as below:-

Sr. No.	Name of Village	Survey/ Gut No.	Area (in ha.)	Legal Status
1	Bhatadi	251	0.20	Zudpi Jungle
Total Forest Area			0.20	

2.0 The proposal for opencast mining for Bhatadi expansion project has been initiated by Asstt. Manager (Community Development) Chandrapur Area, WCL for approval under the Forest (Conservation) Act, 1980. The Divisional Forest Officer, Chandrapur Forest Division, Chandrapur in his compliance report has certified that the proposed zudpi jungle is in possession of Revenue Department and therefore the said land has not been notified u/s of IFA, 1927. The project is approved vide Government of India, Ministry of Coal, New Delhi Notification No. S.O. 2525 published in the Gazette of India on 13/09/2011 under the Coal Bearing Areas (Acquisition and Development) Act, 1957. The project can be demarcated on Toposheet No.55P/8 & 56M/5 having Latitude of 20°02'25.63" to 20°04'7.78" and Longitude of 79°15'58.20" to 79°17'12.26". The project is having capacity of production 0.975 Million Tonnes (MT) of Coal per annum and supply coal to the MAHAGENCO Chandrapur Power Station of MSEB.

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3.0 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in three copies.

3.1 Prescribed form dated 10/01/2003.

3.2 Certificate regarding minimum demand of forest land for the project,

3.3 Area Statement,

3.4 Index map in suitable scale,

4.0 The Divisional Forest Officer, Chandrapur Forest Division, Chandrapur has certified that:-

4.1 the area belongs to Eco-value class -III ~~coming~~ having density of forests 0.1

4.2 the forest land required is the barest minimum

4.3 no cutting and felling of trees is involved in implementation of the project

4.4 there is no violation of Forest (Conservation) Act 1980

4.5 the area involved does not form part of any existing National Park, Wildlife Sanctuary, and the Nature Reserve etc.

4.6 the proposed project is not within 10 km from the boundary of the Protected Area

4.7 the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance the demarcated on the spot by fixing boundary stone around the area.

4.8 no compensatory afforestation is required as there is no felling of trees involved and the proposed forest area is below 1.00 ha.

4.9 that non forest area covered under the project is not private forest under the provision of Maharashtra Private Forest (Acquisition) Act, 1975 by virtue of application of section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forest as intimated to the Expert Committee appointed under interim judgment of Hon'ble Supreme Court, dated 12/12/1996.

5.00 Site Inspection Report of the Divisional Forest Officer, Chandrapur Forest Division, Chandrapur is enclosed in the proposal on page no.173.

6.0 The user agency has given an undertaking:-

6.1 to defray the cost of Net Present Value.

6.2 to defray the cost of compensatory afforestation.

6.3 the user agency has submitted Mining Plan approved by CMPDIL Nagpur and Mine Reclamation plan.

6.4 the project has been accorded environmental clearance issued by the Government of India vide their letter No. J-11015 /151/2014-IA, II (M), dated 19/03/2015.

6.5 the user agency has submitted a copy of the Maharashtra Pollution Control Board.

6.6 the project is approved vide Ministry of Coal, Government of India, Notification no. S.O. 2525 dated.13/09/2011.

6.7 the user agency has submitted the certificate of the Collector, Chandrapur under the Schedule Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 vide letter

note 119

No.Karya-4/RB-II/2018/97, dt.27/06/2018 as per Government of India letter dt.5/7/2013 in prescribed format Form- II.

6.8 the Divisional Forest Officer, Chandrapur and the Chief Conservator of Forest (T), Chandrapur Circle have recommended the proposal for diversion of 0.20 ha. of forest land under the Forest (Conservation) Act, 1980.

7.00 In view of this, the proposal is recommended for approval under the section 2 (ii) of the Forest (Conservation) Act, 1980 subject the following conditions:-

- 7.1 The legal status of the land required will remain unchanged.
- 7.2 Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
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- 8.1 In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads be properly fenced by the user agency at the project cost to protect the vegetation/ regeneration activities in the safety zone.
- 8.2 Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under supervision of the Forest Department.

- 8.3 Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half time the area of forest land under safety zone shall also be at the project cost under the supervision of the State Forest Department
- 8.4 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 8.5 The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year and an annual report on implementation thereof shall be submitted to the State Forest Department.
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 - d) Stabilize the overburden dumps by appropriate grading / benching so as to ensure that angles of repose at any given place is less than 280 and
 - e) Strict adherence to the prescribed top soil management.
- 9.00 No damage to the flora and fauna of the adjoining area shall be caused
- 9.1 No permanent building or labour sheeds should be constructed in the leased area.
- 9.2 The layout plan of the proposal shall not be changed without the prior approval of Central Government.
- 9.3 The forest land shall not be used for any purpose other than that specified in the proposal.
- 9.4 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or present without prior approval of the Central Government.
- 9.5 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

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It is therefore, requested that Government of India may kindly be moved for approving the proposal for proposed diversion of 0.20 ha Zudpi Jungle land for opencast mining under Section (ii) of the Forest (Conservation) Act, 1980 for Bhatadi Expansion Mine in Village Bhatadi of Chandrapur Forest Division, Chandrapur in Distt. Chandrapur of the State Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 3 copies

(Sanjeev Gaur)

Addl. Principal Chief Conservator of Forests
& Nodal Officer.

S.D. Wadga
28/11/2019

28/11/2019

Copy to the Chief Conservator of Forests (Territorial) Chandrapur for information.

Copy to the Divisional Forest Officer, Chandrapur for information.

Copy to the Asstt. Manager (Community Development) Chandrapur Area, WCL for information.